

Claimant's terminal date was set in this case for November 18 and respondent's for December 18, 1995. On December 18, 1995, respondent took the deposition of Dr. P. Brent Koprivica. In the course of that deposition Dr. Koprivica testified to a history claimant provided. Claimant's counsel argues that this history is inaccurate and asked the Special Administrative Law Judge to extend the terminal dates and grant permission to give

rebuttal testimony. Following a hearing held May 15, 1996, the Special Administrative Law Judge denied claimant's motion. Claimant appealed.

Claimant argues that the Special Administrative Law Judge exceeded his jurisdiction. Clearly the Special Administrative Law Judge has the jurisdiction to either grant or deny the motion. In addition, this issue is stated as though it were an appeal from a preliminary hearing. K.S.A. 44-534a, as amended. The denial of the motion was, in fact, not a preliminary hearing order. While K.S.A. 44-551, as amended, authorizes appeals from all acts, findings, awards, decisions, rulings, or modifications of findings or awards, the same statute also states that the Board has authority to grant or refuse compensation or increase or diminish the award or remand the matter to the Administrative Law Judge. The appealed order was an interlocutory order. The decision made in this case is, therefore, not subject to review except as part of the final award and the appeal should be dismissed.

**WHEREFORE**, it is the finding, decision, and order of the Appeals Board that the appeal should be, and the same is hereby, dismissed. The Order of Special Administrative Law Judge William F. Morrissey dated May 20, 1996, remains in effect as originally entered.

**IT IS SO ORDERED.**

Dated this \_\_\_\_ day of November 1996.

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BOARD MEMBER

c: Diane F. Barger, Emporia, KS  
Kip Kubin, Overland Park, KS  
Bryce Benedict, Administrative Law Judge  
William F. Morrissey, Special Administrative Law Judge  
Philip S. Harness, Director